THE JOURNAL BUSINESS DIRECTORY.

COAL-Coburn Coal Co., East 22d street. Anthracite, coke, hard and soft coal. Phone 2465. BRILL & CO., 155 N. Hilinois st. and 238 Mass. ave. Party, ball and theatrical dresses cleaned

equal to new; also, dyeing and cleaning gents' and ladies' garments by expert dyers. FLORISTS-BERTERMANN FLORAL COMPANY, New No. 241 Mass ave., 226 N. Dei. st. Tel. 840.

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FRANK BLANCHARD,

99 N. Delaware st. Tel. 411. Lady Attendant. H. C. STEVENS, New Style Wall Paper, Low prices. 930 N. Senate ave. Tel. 2 on 2552.

FLANNER & BUCHANAN-820 North lliinois street. Lady embaimer, for ladies and children. Office always

FUNERAL DIRECTORS.

open. Telephone 661. Hacks at lowest C. E. KREGELO, FUNERAL DIRECTOR,

223 N. Delaware St.
Residence Phone, New 1749.
No branch cace on N. Illinois street. MONUMENTS. ONUMENTS-A. DIENER, 449 East Washing-

ton st. Tel. 2525. Branch works Crown Hill. SOCIETY MEETINGS. MASONIC-Ancient Accepted Scottish Rite.

Meeting of Adoniram Grand Lodge of Perfection this (Wednesday) evening at 7:45 o'clock for business. N. R. RUCKLE, T. P. G. M. JOS. W. SMITH, Secretary. CORNELL-Mrs. E. S. Cornell died Nov. 28 at

residence, 1041 East Michigan street. Funeral DORAN-Mrs. Mary J. Doran at the home of C. S. Grout, 422 West Fortieth street. Funeral at 2 p. m. Wednesday at the house. WILSON-Mrs. Francenta A., at the residence of her brother, E. M. Johnson, 1617 North Meridian street, at 6 o'clock yesterday morning, from typhold fever, aged fifty-four. Funeral this sfternoon at 2:30 o'clock. Burial private.

FINANCIAL. LOANS-Money on mortgages. C. F. SAYLES, 75 East Market street. 100,000,000 to invest through bankers, brokers, etc. Send for circular. Investors' Directory, N. Y LOANS-Sums of \$500 and over.

City property and farms.

C. E. COFFIN & CO., 150 East Market street. LOANS-On city property; 5 to per cent.; no com-mission; money ready. C. N. WILLIAMS & CO., 319 Lemcke building. MONEY-To loan on Indiana farms; lowest mar-

ket rate: privilege for payment before due: we also buy municipal bonds. THOS. C. DAY & CO., ms 805-812 Law building, Indianapolis. FOR SALE.

FOR SALE-Coal, coke and wood. C. F. HUNT CO. Both 'phones, 1169. FOR SALE-Ten R.I.P.A.N.S for 5 cents at

Druggists; one gives relief.

FOR RENT. TO LET-New 6-room house; mmodern; improved. 540 South Alabama street. TO LET-Newly-furnished seven-room house; a splendid chance; reasonable. 113 West Walnut FOR RENT-Store and living rooms, 601 Virginia avenue. EARHART, dentist, 161/2 East Wash-

STORAGE. STORAGE-INDP'LS WAREHOUSE CO. W. E. Kurtz, Pres. H. A. Crossland, Mgr. (New) 517-523 S. Penn. 'Phone 1343. We STORE, PACK AND HAUL STORAGE-The Union Transfer and Storage Com pany, corner East Ohio street and Bee-line

iracks; only first-class storage selicited. CRAT-ING AND PACKING OF HOUSEHOLD GOODS A SPECIALTY. WANTED-MALE HELP. WANTED-For U. S. Army; able-bodied unmar

ried men between ages of 18 and 35, of good character and temperate habits. For information apply to Recruiting Officer, 25 N. Illinois st., In-

WANTED-FEMALE HELP. WANTED-Good girl for general house work in family of two. Call at 1224 North Pennsylvania

WANTED-SALESMEN. WANTED-Traveling salesmen. State age, ref-erences and salary expected. EL PADRE

CIGAR CO., St. Louis, Mo. BUSINESS CHANCE. WANTED-Partner in poultry farm, raising brotlers and capons. Address FARMER, care

WANTED-Partner, with \$1,500, to take one-half interest in good paying installment business ddress BUSINESS, care Journal.

CLAIR VOYANT.

CLAIRVOYANT-Call and see Mrs. Griswold and be convinced there is one person in the world who knows every secret wish of your heart, your every trouble, hope and anxiety. Gives full de-tail to past, present and future life. 546 East South street. LEGAL ADVERTISEMENTS.

Treasury Department, office of the Secretary Washington, D. C., November, 17, 1892. Scaled proposals will be received at the Treasury partment until 2 o'clock p. m. Friday, Dec ie, 1869, and then publicly opened for the purchase of the real estate now known as the Indianapolis, Indiana, postoffice site, comprising the real es tate, with all buildings thereon situated, now owned and occupied by the United States government and located on Pennsylvania and Market streets, in the city of Indianapolis, Marion county. Indiana. No offer of less than four hundred and dollars (\$409,000) will be considered Bids may be made in the alternative, stating the mount to be paid if the whole of the purchas price is for cash and the amount to be paid if time is allowed; the deferred installments to be paid in one, two and three years, with interest at the rate of 4 per cent. A cash payment of at least fifty thousand dollars (860,000) will be rewired, and bidders must state their wishes as o the manner of making the deferred payments. Each proposal must be accompanied by a certified check for five thousand dollars (\$5,000) to the order of the secretary of the treasury as a guarantee of good faith. The government reserves the right to remain in possession and occupancy of the entire property until the new United States courthouse and postoffice building, to be erected at Indianapolis, is completed and ready for occupancy, and for such possession, use and occupancy the government will pay the purchaser as annual rental therefor a sum equal to interest on the purchase price of 4 per cent. per annum, to which shall be added the cost of all needful repairs, lawful taxes and reasonable fire insurance. The right is reserved to reject any or all bids received, or to waive defects or informalities in any bid, should it be deemed in the interest of the government to do so. Each proposal must be sealed, marked "Proposal for purchase of postoffice site, Indianapolis, Indiana," and addressed and mailed to L. J. GAGE, Secretary of

INTERSTATE COMMERCE COMMISSION,

WASHINGTON. Railway Safety Appliances.

Notice is hereby given that numerous railroad ompanies have applied to the Interstate-comserce Commission for further extension of time (for the period of a year, or until Jan. 1, 1901), within which to equip their cars and locomotives rith automatic couplers and power brakes, as grovided by Sections I and 2 of an act approved March 2, 1803, relating to the equipment of cars ind locomotives with safety app lands, and that upon such applications will be had at the office of the commission in the city of Washington, D. C., on Wednesday, Dec. 6, at 10 o'clock a. m., at which time and place all persons interested will have opportunity to be heard in person or by counsel, whether for or against such extension, and may forward by mail any affidavit, statement or argument bearing upon the question. By order of the commission. EDW. A. MOSELEY, Secretary.

NOTICE.

Office of the Indianapolis Clearing House As-The associated banks of Indianapolis will be closed on Thursday, Nov. 30 (Thanksgiving day.) Paper maturing on that day should be attended to on Wednesday, Nov. W. F. C. GOLT, Acting Manager.

The County Commissioners, in a visit to He goes to Allegheny and will have overthe new County Hospital for the Incurable | sight of the enginmen and firemen at that which is being built at Julietta, ound the work on the building progressing

AN AGGRESSIVE RAILWAY

THE ERIE MAKING STRIDES TO THE FRONT AS A TRUNK LINE.

The Joint Traffic Association a Thing of the Past-Passenger Business Continues Heavy.

The Erie Railway Company is making improvements which will place that road amongst the most important trunk lines. Last week it completed its four tracks between Jersey City and Suffern, and the work of double tracking its western division between Salamanca and Chicago is being pushed, it being practically double track to Marion, O., and in a year from now the track from Hornellsville to Chicago, it is stated, will be practically double. In laying the new track at the Eastern end some extraordinary changes in grades were made. at some points the new track being seven feet higher than the old, and the latter will be elevated to the same grade. In all new constructions heavy steel rail is used. The couble tracking of the Chicago division, President Thomas says, is necessary, so great has been the increase in business on its western main line. On the Chicago division, wherever possible, curves have been eilminated, new bridges put in and water ways enlarged and crossed by more substantial structures. The Erie has recently made important additions to its rolling stock, and there are still unfilled orders for locomotives and cars. Within the last thirty days eight of the eighteen passenger engines the Baldwin locomotive works are building for the line have been received. They are of the largest type and one of them last week hauled an eight-car passenger train at the rate of seventy-one miles

Travel Still Heavy.

Officials who prophesied the passenger business would fall off materially with the approach of winter find their predictions largest excursion season's business on Mobile & Ohio at Metropolis. record a marked falling off in traffic and in passenger earnings had been rather expected. These fears were based on the idea that as soon as the conventions, the religious gatherings, fairs and other attractions that brought people out were over, travel would drop off. Officials are, of course, gratified over the present conditions, and are at a loss to understand the volume of business the roads are handling, but are disposed to attribute it to the unexampled prosperity enjoyed by all classes. Local travel and through business and pleasure travel are showing surprising activity.

The Late Joint Traffic Association.

The members of the board of managers of the disbanded Joint Traffic Association, who were appointed to wind up its affairs held their final meeting on Saturday and Horace J. Hayden, second vice president of the New York Central, who was chairman of the board of managers, has acted as chairman of the association committee. All business connections and financial matters relating to the work of the Joint Traffic Association have been closed, and the offices formerly occupied by that influential body are now vacant so far as this organization

Personal, Local and General Notes. Local railroad shops and city freight de-

pots will be closed to-morrow, and local freights will be discontinued. Train 21, of the Panhandle, yesterday consisted of fourteen cars, hauled by two locomotives, and came in two hours late. E. Olin Soule, general agent of the passenger department of the Burlington, Cedar Rapids & Northern, is in the city. This is

his first visit here. On Jan. 1 the Pennsylvania lines will turn over to the Pullman Company twenty-nine parlor cars and twenty parlor and baggage cars combined. Vice President Chappell, of the Chicago

& Alton, has issued an order to the effect that no private or special cars shall be attached to its limited trains. James B. Hill, general freight agent, and J. C. Hill, general soliciting agent of the Panhandle lines, yesterday returned from

a three weeks' stay in Texas. On Dec. 1 the office of car-service agent of the Columbus & Hocking Valley will be abolished. T. R. Limer has been appointed superintendent of car service.

The Evansville & Terre Haute is operating its branch lines to Hymera, four and one-half miles, and from Standard to Star City, three and one-half miles. Otis Hockenbeamer, of Logansport, will

on Dec. 1 take the position of chief clerk of J. S. May, superintendent of the Richmond division of the Pannandle lines. L. ers were given last week by the Pennsylvania to build twenty more class H-6 type of engines at the Altoon, shops, for the Pittsburg, Fort Wayne & Chicago.

W. P. Deppe, assistant general passenger agent of the Big Four lines, who has been resting at Hot Springs, W. Va., for three weeks, yesterday returned to headquarters. Charles Butler, general foreman of the

M. E. Ingalls, president of the Big Four, who enjoys excellent health, makes it a rule on pleasant mornings when in Cincinnati to walk from his residence on Walnu. Hills to his office, three and one-half

Charles K. Lawrence, formerly general superintendent of the Eastern Minnesota. will on Dec. 1 take the position of superintendent of construction of the Central of Georgia Railway. Joseph Wood, third vice president of the

Pennsylvania Company, and John F. Miller, general superintendent of the Southwestern system, were in the city yesterday, last evening going to Louisville. Lewis Baker, passenger conductor, injured some months ago in an accident,

yesterday reported for duty. Mr. Baker ranks as one of the oldest conductors in time of service on the Panhandle. The Illinois Central is getting the former Indiara & Illinois Southern road, now the Effingham division of the Illinois Central, in good condition, and is shortening the time schedules of trains on that line.

Franklin Bachman, who was for many years an engineer on the Chicago & Eastern Illinois, died at the Soldiers' Home, Danville, Ill., on Monday, and his remains were yesterday taken to Chicago for bur-

Fred E.Sawyer, freight agent for the Pennsylvania, will be transferred this week from Fort Wayne to Indianapolis to succeed Oran Perry, who goes to something higher it is said. E. A. Kirkland, of Lima, O., wil probably succeed Sawyer. Panhandle Trains 20 and 21, between Columbus and Pittsburg each haul thirteen

cars, and when they pass each other at fifty-five to sixty miles an hour it is said to be a fine sight. There are usually from 300 to 350 passengers aboard the trains. The new large passenger engines on the Pennsylvania are making fine speed records. It is not an unusual thing for one of these locomotives to haul the twelve-car trains over some divisions at a speed of seventy miles an hour for long stretches. John W. Ward, superintedent of the Texas Pacific, who last week came north to attend the funeral of his mother, near Lafayette, returned to Big Springs, Texas, yesterday. Mr. Ward was for a number of

Albert S. Adams, who was master mechanic of the Boston & Worcester from 1850 to 1870, died at Newton, N. H., Monday, eighty-five years of age. He designed the famous locomotives Express and Dispatch. and was one of the organizers of the Master Mechanics' Association

years train dispatcher on the Lake Erie &

Davis Varrill, the oldest surviving engineer in the Lake Shore's service, who began work as engineer in January, 18., is critically ill at his home in Elkhart. Though nominally in the company's employ, he has not made a run for over four years on account of falling health. Henry Israel, who has been in the employ o, the Pittsburg, Fort Wayne & Chicase for forty-seven years, for thirty-five years as engineer and since as foreman of engines, will be given an easier position,

J. S. Swain, national organizer of the

that 20,000 operators are now enrolled. He says the trouble of the operators on the big Four and the company will likely be

amicably adjusted. Engineers wno have run on Indianapolis lines for thirty or more years state that tuey have never before experienced as heavy a fog through the night as that of night. After leaving cities and towns where there were electric lights it was so dark that the locomotive headlights only cast a shadow in the darkness. Should Samuel Sloan carry out his programme as regarding the Lackawana, pub-

cut loose entirely from the Vanderbilt line and form a traffic alliance with the Wabash, which would make a very strong East and West line. The Wabash, says the official quoted, has always been a thorn in the sides of the Vanderbilts. Superintendent W. D. Bessler, of the main-line division of the Reading Railway, whose office is at Reading, says a readjustment of wages in his division will be made, to take effect Dec. 1. It is unofficially announced that the readjustment will carry with it a general advance in wages for all the men connected with the

ished yesterday, it is stated that he will

main-line service. C. G. Waldo, general manager of the Cincinnati, Hamilton & Dayton lines, and Passenger Traffic Manager Edwards have for two or three days been on the coal branches on official business. With each year passenger traffic on the coal branches shows something of an increase, and the company is disposed to encourage it by better train service.

R. B. Turner, general superintendent of he Cincinnati, Hamilton & Dayton; George lowell, general superintendent of the Monon, and Superintendent Parker were in the city yesterday and arranged for the opening of the new freight depot erected plete, with the exception of selecting the or Allen were forged as was joint agent, which will be aecided probably gage given to secure the notes.

Without question the roads in the Centra. Traffic Association territory will, for ovember, show the largest earnings in their history, excelling October, in which eighty roads showed an increase of 101/2 per cent, over October, 1898. A year ago the same roads claimed to be carrying all the business they were capable of doing, which demonstrates that the roads have this year largely increased their facilities and improved in the methods of loading

The Chicago & Eastern Illinois will, as soon as its connecting line between Marion, Ill., and the Cotton Bett, at Girardeau, is built, begin the building of a road from Metropolis to connect with the extension just completed thirty-five miles southwest of Marion. A charter for the road has been granted. The new line will be eighty miles long, and will cross the Cairo division of the Big Four at Vienna, and the

Officials of the Plant system of railway and steamship lines announce positively that L. A. Bell, Western passenger agent of the company, with headquarters in Chicago, will remain in his present position. It is stated that Mr. Bell's administration has been entirely satisfactory to the officers of the company, and that his jurisdiction will. as heretofore, include all points north of the Ohio river and west of Buffalo and Pittsburg to the Pacific coast.

NO MORE FOR TAGGART tice.

JOSEPH T. FANNING SAYS HE IS NOT A CANDIDATE FOR GOVERNOR.

And that He Would Not Accept the Nomination-Hugh Dougherty in the City-Corridor Gossip.

"You may say for me, in the most authoritative manner, that Thomas Taggart will not be a candidate for the governorship before the next convention," said City Chairman Joseph T. Fanning, at the Grand last night. "I not only know that he has not nade any effort to secure the nomination, but also that he will not, under any circumstances, accept it if offered him. He will not even allow his friends to use his name before the convention as a candidate for

any place on the State ticket." "So you feel sure that Mr. Taggart will not be a candidate for the governorship, although his name has been mentioned as the most prominent candidate in the field?" Mr. Fanning was asked.

"It is past that point," he replied. know absolutely that he will not be a candidate. "What candidates have you heard mentioned as being in line for the Democratic nomination for the governorship?" "Well," Mr. Fanning replied, "there have been no personal announcements as yet, although it is admitted that B. F. Shively, of South Bend, is being boomed by Democrats from the north of the State, and 'Gil' Shanklin, of Evansville, is being pushed by the Democrats from the south. Neither of

didate, however." HUGH DOUGHERTY'S PLANS.

Will Not Run for Governor-He Talks

these men has aunounced himself as a can-

of Telephone Lines. Hugh Dougherty and wife, of Bluffton, were at the Bates yesterday for a few hours. In addition to disclaiming any intention of running for the governorship Mr. shops of the Chicago & Eastern Illinois | Lention of running for the governorship Mr. at Danville, goes to the Illinois Chtral as | Dougherty said that he was out of poliat Danville, goes to the Illinois Chtral as Dougherty said that he was out of poli-master mechanic of its shops at Effingham, ties for good unless he saw a chance to location of the property line and build their the ground that the loan was not offered in make another race for the state treasurership. In discussing his business interests he said that a complete consolidation of interests of all the independent telephone lines of the State had been effected and the new system was prepared to furnish a long-distance service to any part of the middle West. He said the most recent achievement was the consolidation of the independent lines in the north of the State. New long-distance lines are being built, he said, into Ohio and Illinois, one by way of Richmond and the other by way of Kokomo, Marion and Toledo. The Illinois line is by way of Terre Haute and has been in operation for several months.

Senator Binkley in Town. State Senator C. C. Binkley, of Richmond was at the Denison yesterday morning. He said he had nothing new to report in the way of politics and that he, along with many other men, was glad to be able to devote some time to his personal interests. He said he knew of no gubernatorial candidates in his part of the State.

Visit of a Chiengo Contractor. O. C. Simonds, a prominent contractor of

Chicago, was in the city yesterday, and during his stay conferred with H. H. Hanna, of this city. Both Mr. Simonds and Mr. Hanna stated that the visit was a purely social one and had no business connection.

STATE MEDICAL BOARD.

A St. Louis College Is Reinstated-The Case of S. D. Spees.

At a meeting of the State Board of Medcal Examiners yesterday there were sixtyone applications submitted, but only eleven of these are to be granted immediately as some of the applications are incomplete and others will require a further examination as to facts contained.

A resolution was passed by the board reinstating in good standing the St. Louis College of Physicians. It will be recalled that a resolution was passed by the State poard declaring the St. Louis College to be a bad standing because it had issued a diploma to S. D. Spees in an irregular manner. Spees's diploma was revoked by the board on Oct. 9, 1899, since which time he has not been allowed to practice medicine.

DROVE FROM MUNCIE

In a Livery Rig and Then Tried Sell It for \$125.

Charles Wilson was arrested last night on the charge of being a fugitive. He drove into town yesterday in a fine buggy, drawn by a fast pacing horse, which he offered to sell to a liveryman on East Michigan street for \$125. The price was so low that the liveryman grew suspicious and notified the police. Wilson was arrested and he ad-

BROKER BARNITT IS SUED

WILLIAM TREITSCHKE IS SEEKING TO RECOVER \$1,000 DAMAGES.

He Alleges that He Loaned a Ma: \$700 Through Barnitt-High Court Decisions-Other Court Cases.

William Treitschke yesterday began action against James L. Barnitt, a broker of this city, for \$1,000 damages. The plaintiff alleges that he was a victim of a conspiracyand makes some sensational charges. He says that in September, 1897, Barnitt came to him with a proposition to borrow some money of him for a client. This client, the plaintiff avers, was supposed to be Albert Allen, but as the plaintiff has since learned was John Doe. The plaintiff avers Barnitt told him Allen had valuable real estate and produced an abstract of title to show that the plaintiff would be safe in loaning his money. He says he advanced \$700 to the man who was supposed to be Allen but who was really John Doe. He avers that the amount has never been paid and he says that John Doe has disappeared. by the C., H. & D. pareneling the Monon It is claimed that notes executed by Doe freight depot, on Dec. I. Details were comor Allen were forged as was the mort-

Barnitt denies the allegations of the complaint. He says that any action taken by him looking to the utmost good faith and free from fraud. He asserts that he will be able to show that he is innocent of any attempt to defraud or deceive, when the proper time arrives Barnitt voluntarily entered his appearance, waiving the formality of issuing summons. Barnitt through his attorney asks that public opinion be suspended until the matter is finally determined by the court. Barnitt has an office in the Lombard Building.

HIGH COURT DECISIONS.

The Opening Day Is a Busy One for

Yesterday morning the November term of the Supreme Court was formally opened and fifteen opinions and a number of rulings were handed down. A motion was presented by the attorney general for the preparation and publication of the revised rules of the Supreme Court. The court said that it had been considering the matter for some time and would shortly order the publication of a revision of the rules. Judge Hadley will succeed Judge Jordan, who served during the May term, as chief jus-

The first opinion given was in the case of the International Building and Loan Association against James A. Wall. Wall borrowed \$1,000 of the association, and by the terms of his mortgage he was to pay almost equal sums each month as stock dues, as premiums and as interest. After he had paid about \$200 on each account he tendered \$600 to the association and asked to have the mortgage canceled. The Circuit Court decided that he was entitled to have the premiums as well as the stock dues credited on his loan. The Supreme Court reversed this judgment and held that the premium avers, and she was thrown out and injured. paid was not to be considered as interest, and that the exacting of premium and interest, which together exceed 8 per cent. does not constitute usury on the part of

such an association. The case of Frank Bradley against James Gronendyke was reversed by the Supreme Court, which held that a laborer's lien for unpaid wages was not destroyed by execution of negotiable loans for the unpaid wages, payable to another. Bradley had worked in Gronendyke's washing machine factory without receiving wages until there was about \$1,000 due him. Gronendyke then gave him notes payable to his wife and afterwards transferred all of his property to certain of his relatives to whom he was indebted. The defendant in a suit to recover set up that Bradley could only recover on

the notes. The Supreme Court held that no irregularity in an election could defeat the express will of the people. Allen Ramsey was held to be entitled to the office of trustee of the town of Hanover. Ramsey was a candidate last year on the Republican ticket, and though he received two-thirds of the votes cast the candidate on the Citizens' ticket was declared elected because there was no device printed above the Republican ticket. Charles Fred Kissel has been set for hearing Dec. 19, by the Supreme Court. Kissel was enjoined by the Hamilton Circuit Court from operating a saloon and roadhouse at Capitol avenue and Twenty-fifth street. Supreme Court affirmed the appeal of the Lake Erie & Western Company from an order annexing about one mile of its

track to the city of Alexandria.

The contract by whih Paul Schulte traded his farm in Pulaski county for what he thought was fourteen lots in a suburb of Chicago, but which was several miles out associations in this State does not contraon the prairie, was affirmed yesterday by vene the constitutional provision which prothe Supreme Court. Schulte was deceived hibits the granting of special privileges and by a real estate agent, who took him to the passage of special laws relating to in-see some lots in Chicago, which he said were terest. 2. In an action by a building assothe ones he desired to trade. It turned out | ciation to foreclose a mortgage in the abafterward that the lots described in the deeds were several miles away from the incorporation of the plaintiff is admitted. ones he had been shown. A decision given by the Supreme Court exercised its granted powers according to holds that where the owners of lots which law. 4. Where the provisions of a building houses so that they encroach on the line open meeting, under such plea the burden of the street, they are liable for an action entitled to notice before the action is to prove that the loan was not offered in of abatement of a huisance, and are not open meeting. 5. The mere fact that a brought. Nelson J. Bozarth, of Valparaiso, premium to a building association is payable built a house that projected over the line of the street about six feet, and the Supreme Court held that the house ought to

without formal notice. WILL OF GOTLIEB C. KRUG.

be removed, and that Bozarth ought to have

He Leaves an Estate Valued at About

Thirty-Five Thousand Dollars. The will of Gotlieb C. Krug was yesterday probated, and John F. Carson was ap- Affirmed. pointed executor, furnishing a bond of \$70,000. The Krug estate is valued at about \$35,000. Mr. Krug left \$3,000 of life insurance, which he requested in his will should be divided equally between three children. All the real estate is to be sold by the executor as soon as he can command a fair price for it. | proceeding of the council having originated Until the property is sold the widow of the testator is to occupy the family residence on North Alabama street, and is to have the household goods. After the real estate is sold it is to be divided into four equal parts. One-fourth is to be held by the executor in trust for the widow. Another fourth is to go to Frank C. Krug, a son of the testator. The other two parts are to be held in trust by the Marion Trust Company for Mrs. Lena Myer and Mrs. Emma Rahke, daughters of Mr. Krug.

MOTION BEING PREPARED.

Defendants in Election Cases Want Plaintiffs to Be More Specific.

In the suits of Charles N. Elliott and John W. Wall against John F. Geckler and William C. Daly, now pending in the Circuit Court, the attorneys for the defendants are preparing to file a motion asking that the being properly presented, jurisdiction of the plaintiffs be required to make their complaints more specific. The suits were brought to contest the election of Geckler | fact that a complaint is and Daly to the offices of city clerk and police judge, respectively. Judge Allen has set the cases down for trial on Dec. 18. Attorney Bell, one of the counsel for the defendants, said yesterday that the court would be asked to compel the plaintiffs to plaintiffs should also be required to show precincts the protests were made. The mo- | before it is reversed will be defeated or de filed in a few days.

SUPREME COURT APPEALS. The Cases of William H. Waggoner

and of Frank Engle. The appeal of William H. Waggoner was filed in the Supreme Court yesterday. Waggoner was found guilty n the Owen employed and work has been commenced on the second story of the main building.

Order of Railway Telegraphers, says that mitted the horse at the John-son livery stables in Muncle and drove to this city. The rig is valued at \$250.

Order of Railway Telegraphers, says that mitted the horse at the John-son livery stables in Muncle and drove to this city. The rig is valued at \$250. county Circuit Court of the murder of his

was sentenced by the court to life imprisonment. In his appeal he alleges errors of law in his trial in the court below. The case of the State of Indiana against Frank Engle was filed in appeal in the Su-preme Court yesterday. Engle was indicted before the Marion county grand jury on the charge of attempting to defraud a boarding house. The court dismissed the case and quashed the indictment because the State failed to allege the intent to defraud. The State then appealed to the Supreme Court with a view to having the law settled in

A PHOTOGRAPHER'S COMPLAINT.

such cases.

He Alleges that the Street-Car Company Damaged His Property.

The damage suit of Edward Getter against the street-railway company went to trial yesterday in Room 2, Superior Court. Getter had a photographic outfit badly damaged in 1898, during the Knights of Pythias encampment, and blames the street-railway company for his loss He came here to se up a "gallery" at the camp grounds and employed a hackman to take his outfit to Camp Colgrove. On the way out the carriage was struck by a Central-avenue car and Getter's property was pretty well demolished. He is demanding damages in the sum of \$1,000.

Southwell Claim Being Considered. Judge Allen vesterday heard argument on demurrer in the case of Henry Southwell against the old Premier Steel Company. The proceeds realized from the recent sale of the plant to W. J. Carlin are involved. The plant was sold for about \$125,000. Henry Southwell, who is a Chicago capitalist, loaned the Premier Steel Company \$70,000 several years ago, taking a mortgage on the plant. The mortgage was not recorded until after the company failed, and the general creditors are claiming that this fact prevents Southwell from having any preference over them. They hold that he must accept a pro rata settlement. Judge Allen took

Police Court Cases.

the matter under advisement.

John Ray and Charles Taylor, charged with breaking into the store of Goldstein Brothers, at Klondike avenue and McCarty street. Monday night, were bound over to the grand jury yesterday on charges of burglary. Joseph Savage also went to the grand jury for robbery. Thomas Moran and Edward Blake, each charged with petit larceny, were fined \$30 and costs and sent to the workhouse for rinety days.

Damages for Injuries to a Hand. Walter Heindricks, by his next friend, Charles E. Heindricks, yesterday began an action against E. C. Atkins & Co., for \$2,500 damages. The plaintiff was employed at the Atkins saw works and suffered an injury to his hand while at work with a machine which he claims was out of repair. He says he called the attention of the foreman to the machine and the foreman promised that it should be repaired.

Will Decide the Case To-Day. Judge Carter, of the Superior Court, will to-day decide the mandatory suit to compel the Consumers' Gas Trust Company to furnish gas for a new residence erected on

Bellefontaine street. The company has claimed it has not sufficient gas to warrant it in taking on new consumers.

Nannie Fergerson's Suit. Nannie Fergerson brings suit against the street-railway company for \$3,000 damages, on account of personal injuries. She says that on Nov. 11, last, she was driving with her little son on North Senate avenue. Her vehicle was run into by a street car, she

THE COURT RECORD.

Supreme Court. 18667. Whitcomb vs. Standard Oil Company. Porter C. C. Affirmed. Hadley, C .-1. In construing a statute a court must confine itself to approved rules of construction and look towards the intent of the Legislature that gave the statute origin in case there is anything obscure in its provisions. 2. The coemployes' liability act does not relieve the employe from that caution and care of himself required by the common law. 3. Where a principle of common law has been long established and universally approved it cannot be subverted by implication. 4. It does not constitute negligence for a railroad company in the ordinary course of business to receive into its switch yards from other roads cars in general use differing in construction and switching devices which may not be of the most approved patterns, and the switching and coupling of such cars and the shifting and setting them into trains is one of the risks assumed by the employe in undertaking the employment. 5. It is not negligence on the part of a railroad company to fail to warn an inexperienced employe of the greater danger incident to coupling cars that are supplied with deadwoods or buffers than cars having an ordinary device. 6. If an employe fails to fully apprehend the extent of peril from a known defect but voluntarily encounters it and attempts an act

rendered hazardous by the defect he assumes the risk. 19142. International, etc., Association vs. Wall. Jay C. C. Reversed. Baker, J .- 1. The statute governing building and loan the passage of special laws relating to insence of a plea of nul tiel corporation the 3. The presumption is that a corporation is on the person so alleging the illegality monthly instead of in gross does not ren-

der the loan usurious and illegal. 18885. Clinton vs. State of Indiana. roe C. C. Affirmed. Jordan, J.-Where a known where the line of the street was person is charged with assault and battery with the felonious intent to kill the declaration of the defendant that he would kill the person assaulted, coupled with a merciless attack upon the person assaulted, will fully sustain the finding of a felonious intent, and the mere fact that the person injured escaped with his life is not sufficient for an acquittal of such an intent.

18697. L. E. & W. Railroad Company vs.

Alexandria. Madison C. C. Dowling, J.-1. Every must be indulged in sumption regularity of the action of a common council when they are attacked in a collateral proceeding. 2. The adoption a petition by a common council at a regular meeting for the purpose of having land adjoining the municipality annexed cures any irregularity prior to the adoption which may have occurred by reason of the at adjourned special sessions. 3. Proceedings for the annexation of territory to towns and cities are summary in their nature. 4. The statute gives the common council absolute power to annex contiguous platted territory, and the act is literally construed by this court. 5. The judgment of the board of commissioners cannot be collaterally attacked except upon the ground of want of jurisdiction. 6. The motives actuating a city in annexing territory cannot be enquired with an appeal. 7. Unless the decision of the Circuit Court and the board of commissioners, in annexing real estate to a city, is flagrantly improper this court will not reverse it. 18149. Williams vs. Enterprise Company Henry C. C. Transferred to Appellate Court. Baker, J.-1. A subscribto the capital stock of a proposed corporation can be compelled to pay his subscription only upon the completion of a de jure organization of the contemplated corporation. 2. Article 11 of Section 4 of the State constitution is not self-operative. 3. The constitutionality of an act not case is in the Appellate Court. 18708. Butler vs. Thornburgh.

Reversed. Jordan, J.-1. The mere somewhat indefinite does not render the same bad on demurer when the theory is completely outlied and the facts stated 2. A reversal of a judgment, without any specific instructions or directions by the court, operates to completely annul it, and make more specific charges in relation to such a reversal, in its effect, restores the the number of Republican ballots that were | parties to the position they occupied before thrown out. He said he thought the the rendition of the judgment in the lower court; and the title of one who has become how many votes were protested and in what a purchaser of property under a judgment tion of the defendants' attorneys will be stroyed by the reversal, provided he cannot be held to be a good-faith purchaser, 3 Where a party entitled to redeem from mortgage lien is not a party to the decree foreclosing such mortgage, the judgment, so far as he is concerned, is a mere nullity and the equity of redemption, which he may have in the mortgaged premises, is not affected thereby, and in order to redeem he is only required to pay the mortgage debt with the interest thereon. 18732. Sturgis vs. State ex rel. Ramsey Jefferson C. C. Affirmed. Hadley, C. J.— This cause is affirmed upon the authority of Jones vs. State ex rel. Wilson decided at

Porter C. C. Reversed. Monks, . A dwelling house so constructed that it occupies a part of a street as permanent structure is per se a public nuisance. When a person erects or is the author of nuisance, an action may be maintained against to abate the nulsance without any request or notice to remove the same. Where a lessee erects a nuisance he is liable without notice to remove the same. 19044. Utterback vs. State of Indiana. Lawrence C. C. Affirmed. Dowling, J.-1. To accuse any person of any crime punishable by law with the intent to extort from such person any money or other valuable is a violation of the statute, and the accusation may be made by filing an affidavit before an officer having jurisdiction to receive it, and having process issued thereon. 2. The evidence must be in the record to decide questions depending on the evidence. 3. In a criminal cause instructions must be brought into the record by a bill of exceptions. 4. The signature of the judge to a memorandum on a bill of exceptions, giving his reason why a new trial was not considered, does not constitute such a signing of the bill as is required by

the statute. 18551. Bradway vs. Groenendyke. Wayne Reversed. Baker, J.-1. Payment is question of intention between the creditor and debtor. 2. Ordinarily, a promise to pay a debt is not a payment of the debt. . A debtor giving to his creditor a promissory note, not governed by the law merchant, affords no evidence that it was offered and accepted as payment; while the giving of a promissory note governed by the law merchant is prima facie evidence of payment, which must be accepted as conclusive in the absence of any evidence that such was not the intention of the par-

19042. Lingquist vs. State of Indiana. Huntington C. C. Affirmed. Monks, J .- 1. In the revision of an act of the Legislature of the amendment of a section the title of the act to be amended must be referred to by setting it out, and the act as revised, or section as amended, must be set forth and published at full length. 2. The act of 1893 (Acts 1893, p. 22, Burns, 1894, section 1990) does not contravene Section 21, Article 4 of the State Constitution. 3. When an act is identified in the manner required by the Constitution, and it is not certain what act was intended to be amended, the court will resort to means other than the title to determine what act was intended. But if the act is not identified as required by the Constitution, the court cannot resort to other means of identification. 4. The courts take judicial notice that an act with the title set forth in the title of the act of 1893 was approved April 14, 1881, and took effect Sept. 19, 1881. 5. When the court does all that it is requested to do by an objecting party the latter is in no position to com-

18699. Rohrof vs. Schulte. Pulaski C. C. Affirmed. Jordan, J.-1. Where the special finding discloses that it rests upon and responds to the facts averred in the second paragraph of the amended complaint, the ruling of the court upon the first paragraph was harmless. 2. A contracting party has a right to rely on the express statement of the opposite party in respect to a material existent fact which is the basis of a mutual agreement or engagement, when the truth or falsity of such fact is known to the party making the statement, but unknown to the one to whom it is made, and the latter, under such circumstances, is not required, before the final consummation of the engagement or agreement, to investigate or make a searching inquiry in regard to the truth or falsity of such statements. 3. Where one occupies the position of an agent he is required in all negotiations to state all matters within his knowledge fully and truly to his principal, and make no representations which are not true in every material particular, and, as a general rule, the principal has the right to rely and act upon the statements of his agent. 4. For the purpose of consideration the evidence must be properly embodied in a bill of excep-

pany vs. Town of Waynetown. Montgomery C. C. Affirmed. Hadley, J.-1. When a party appeals to a court of equity and invokes its extraordinary writ of injunction he must rely upon some substantial equity, and can-not avail himself of naked irregularities or neglect of mere forms to shield himself from a liability confessed to be just. 2. A court of equity looks at the substance of things and will not lend its aid to assist one in avoiding a legal duty by the employment of means that have done him no harm. 3. A railroad company is bound to know that a municipal corporation through which its road runs is entitled to tax the property of the company for support of the municipal government.

18458. Bowman vs. Bowman. Morgan C. C. Reversed. Dowling, J.-1. If an allegation in the opposite pleading be altogether immaterial it cannot be traversed. 2. An agreement of parties to secure a divorce and atterwards remarry is void. 3. In an action for seduction the unchastity of the woman at and before the time of the perpetration of the wrong by the defendant may under some circumstances be a complete defense to marry, where the seduction is alleged in aggravation of the damages a plea of previous unchastity must aver that this fact was not known to the defendant when he promised to marry the woman. 4. A romise of marriage to a woman who has been guilty of lewd behavior, if made with knowledge of her improper conduct is binding, and the fact of her previous life constitutes no defense to an action founded upon a breach of the promise. 5. Instructions are to be construed as interdependent connected and reciprocal members of the entire charge. 6. Where the defense in a suit for breach of a marriage contract is lewd and immoral conduct of the plaintiff the defendant is held to proof under such a plea that the contract was broken by him on that account. 7. On the proper affidavit being filed by one of the ftigants it is error for the court to allow an attorney to participate in the trial of the cause as counsel for the opposite party. . When this court is convinced that the judgment of the lower court is excessive it size, 50 cents; family size, \$1; at druggists or by

will be reversed. 18504. Armstrong vs. Hufty. Carroll C. C. Affirmed in part and reversed in part. Monks, J.-1. When a person is made a party to a proceeding on account of his being an heir of some one he is made a party in his own person as an individual and no in any other character, and when a judgment or decree is rendered against him it is as an individual and not otherwise, and he is bound thereby as to all his interests. 2. It is only to those titles which are imperfect the statute of limitations apply. . The same construction as placed upon Clause 3 of Section 294, Burns's R. S. 1894. in regard to erroneous and defective descriptions of real estate sold under decrees of foreclosure and on ordinary executions must be given to Clause 4 of said section n regard to such descriptions when the sale s made by executors, administrators, etc., clans. by order of court. 4. It is not necessary to make the mortgageor who has conveyed the mortgaged real estate a party to a proceeding to foreclose the mortgage unless a personal judgment is desired against him, but unless the person to whom he has conveyed is made a party the foreclosure as to him is void. 18679. McNally vs. White. Hamilton C. C.

Mandate modified 19128. State of Indiana vs. Hendry. Steuben C. C. Dismissed and leave granted to withdraw record. 18898. Mathews vs. Rund. Benton C. C. Dismissed and leave granted to withdraw 18756. Stevens vs. Leonard. Lake C. C. Certiorari granted. 19105. Fordice vs. Lloyd. Pike C. C. Pub

19135. Cory vs. Pyles. Boone C. C. Notice ordered served on appellee's attorneys of Superior Court.

ication ordered.

Room 1-John L. McMaster, -udge. Maud B. Kuetemier vs. Oscar Kuetemier. Finding and decree for plaintiff at her The Marion Bond Company vs. Marion Investment Company. Dismissed and costs

son; divorce. Granted plaintiff. Judgment against defendant for costs. Circuit Court.

Room 3-Vinson Carter, Judge.

Helen A. Robertson vs. Clark E. Robert-

Henry Clay Allen, Judge. The Indianapolis Cold Storage Company vs. Benjamin F. Webb; to quiet title. Dismissed by plaintiff. Costs paid. Lentall T. Snyder vs. Calvin I. Fletcher: on account. Finding for plaintiff. Judgment against plaintiff for costs. Eliza Johnson vs. Chicago, Indianapolis Louisville Railway Company; damages. Dismissed by plaintiff. Judgment against plaintiff for costs.

New Suits Filed.

William Treitshke vs. James L. Barnitt; damages. Superior Court, Room 3. Lucetta Beard vs. Edward O. Beard; divorce. Superior Court, Room 1. Walter Heindricks vs. E. C. Atkins Company: damages. Superior Court, Room 2. Nannie Fergerson vs. the Indianapolis Street-railway Company; damages. Superlor Court, Room 2.

William E. Hackedorn, general solicitor of the Lake Erie & Western system, has tendered his resignation, to take effect Dec. 1. Mr. Hackedorn has been the confidential adviser of the owners of the property for

William E. Hackedorn Resigns.

AMUSEMENTS.

SENGLISH'S TO-NIGHT-To-Morrow Afternoon and Night and Thursday (Thanksgiving) Matinee,

Marshall's farcical romance, His Excellency, The Governor Prices-\$1.50, \$1, 75c, 50c, 25c. Seats ready Mon-

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PARK-TO-DAY-3p.m ... RICE and COHEN... Presenting the new musical comedy, OVER THE FENCE

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Dec. 7, 8, 9—Gay Masqueraders.

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is desirous of a few months' rest, and has declined all offers made to him for that rea-

surprise, and although great efforts were

made to get him to withdraw it, he insisted

that it should be accepted. Mr. Hackedorn

Deputy United States Marshal Branham grand jury and was arrested on a warrant. Lee was last week found short in his accounts with the Postoffice Department in the sum of \$900 and was removed from the office. His bondsmen made good the

amount "GARLAND" STOVES AND RANGES

SWAYZEE'S EX-POSTMASTER Is Placed in Jail Here by Deputy brought to the county jail last night Isaac R. Lee, ex-postmaster of Swayzee, Ind., and he is being held for a violation of the postal laws. He was indicted by the federal